

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

THOMAS WOODROW RISER,

Plaintiff,

v.

CIVIL ACTION NO. 5:07-cv-00005

STATE OF WEST VIRGINIA and  
G. D. WILLIAMS, State Police Officer,

Defendants.

**MEMORANDUM OPINION**

Pending before the Court is Plaintiff's Complaint [Docket 1], alleging various claims for relief pursuant to 42 U.S.C. § 1983. By Standing Order entered August 1, 2006, and filed in this case on January 4, 2007, this action was referred to Magistrate Judge Mary E. Stanley for submission of a proposed findings and a recommendation (PF&R) pursuant to 28 U.S.C. § 636(b)(1)(B). The magistrate judge submitted her PF&R [Docket 11] on December 3, 2007, recommending that this Court dismiss Plaintiff's complaint without prejudice for failure to prosecute.

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). In this case, pursuant to 28 U.S.C. § 636(b)(1)(B), and Rules 6(e) and 72(b) of the Federal Rules of Civil Procedure, objections to the PF&R were due by December 20, 2007. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R [Docket 11] in its entirety and **DISMISSES WITHOUT PREJUDICE** Petitioner's Complaint [Docket 1]. A Judgment Order will enter this day implementing the rulings contained herein.

ENTER: June 13, 2008



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THOMAS E. JOHNSTON  
UNITED STATES DISTRICT JUDGE